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| 10/773,646 | 02/05/2004 | Ashok Mantravadi | 030262 | 7644 |
| 23696 7590 07/08/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121 | | | | |
| EXAMINER YUN, EUGENE | | | | |
| ART UNIT 2618 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/6/2008 have been fully considered but they are not persuasive.

The applicant argues that the Kowalewski reference does not teach deriving a second channel estimate based on a first detected data stream and deriving a third channel estimate based on the first and second channel estimates. However, the claims do not state specifically how the second channel estimate is based on the first detected data stream and so on. Therefore, if the first data stream affects the second channel estimate in any way, then the second channel estimate can be derived based on a first data stream. Referring to fig. 2 of the Kowalewski reference, both the first and second channel estimates come from the same transceiver and the same antenna. Therefore, it can be assumed that the first data stream affects the second channel estimate in some shape or form. Therefore, the Kowalewski reference teaches deriving a second channel estimate based on a first detected data stream. In addition, the cited passage (col. 6, lines 27-38) clearly teaches deriving a third channel estimate based on the first and second channel estimates since the third channel estimate is clearly affected by the first and second channel estimates.

The Kowalewski and Walker references are properly combinable because even though Kowalewski does not teach hierarchical transmission, applying the hierarchical transmission of Walker to the first and second signals 20 and 25 (fig.2) of the Kowalewski reference would clearly improve the performance of the device of Kowalewski by better

ensuring that the best quality signal is transmitted. In addition, the examiner has believed to have proved that the combination of Kowalewki and Walker teaches all the limitations of the independent claims as currently written.

Referring to the provisional application of Walker 60/525,616, even though the exact cited passage is not in the provisional application, a very similar passage (paragraph [0092]) is in the provisional application that also reads on the limitation of the second data stream being an enhancement of the first data stream. Therefore, the Walker reference can still be applied.

Regarding the amendments to overcome the 101 rejections, even though the 101 rejections may be overcome, claims 35 and 36 have similar limitations to the other independent claims and are therefore, not allowable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUGENE YUN whose telephone number is (571)272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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